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Theodore P. Cummings	40,973
Name of Attorney	Registration No.
Signature of Attorney	

AP 1761
JUL 12 2004
PATENT & TRADEMARK OFFICE
OPIE

P&G Case 8074M

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of :

Zimmerman, et al. : Confirmation No. 3630

Serial No. 09/851,456 : Group Art Unit 1761

Filed May 8, 2001 : Examiner Drew E. Becker

For SNACK CHIP HAVING IMPROVED DIP CONTAINMENT AND A GRIP REGION

NOTICE OF APPEAL FROM THE EXAMINER TO

THE BOARD OF PATENT APPEALS AND INTERFERENCES

Mail Stop AF

Commissioner for Patents

P. O. Box 1450

Alexandria, VA 22313-1450

Dear Sir:

Applicant hereby appeals under 37 CFR 1.191(a) to the Board of Patent Appeals and Interferences from the last decision of the Examiner in the Final Office Action mailed April 30, 2004 finally rejecting Claims 1-13, 15-18, 22 and 23. The fee for this Notice of Appeal is \$330.00 (37 CFR 1.17(b)).

The Director is hereby authorized to charge the above fees, or any additional fees that may be required, or credit any overpayment to Deposit Account No. 16-2480 in the name of The Procter & Gamble Company. An additional copy of this Notice is enclosed for that purpose.

Respectfully submitted,

By _____

Theodore P. Cummings, Esq.
Attorney or Agent for Applicant(s)
Registration No. 40,973
(513) 634-1906

Date: July 8, 2004

Customer No. 27752
(appnot.doc) (Last Revised 04/21/2004)

07/14/2004 HALI11 0000008 162480 09851456
01 FC:1401 330.00 DA

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FEE TRANSMITTAL for FY 2004

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$) 330.00**Complete if Known**

<i>Application Number</i>	09/851,456
<i>Confirmation Number</i>	3630
<i>Filing Date</i>	May 8, 2001
<i>First Named Inventor</i>	Stephen Paul Zimmerman, et al.
<i>Examiner Name</i>	Drew E. Becker
<i>Group/Art Unit</i>	1761
TOTAL AMOUNT OF PAYMENT (\$)	330.00
<i>Attorney Docket No.</i>	8074M

METHOD OF PAYMENT (check one)

1. The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:
 Deposit Account Number 16-2480
 Deposit Account Name The Procter & Gamble Company

[X] Charge Any Additional Fee Required Under status. 37 C.F.R. §§1.16 and 1.17

FEE CALCULATION**1. BASIC FILING FEE – Large Entity**

Code (\$)	Fee Description	Fee Paid
101 740	Utility filing fee	<input type="checkbox"/>
106 330	Design filing fee	<input type="checkbox"/>
108 740	Reissue filing fee	<input type="checkbox"/>
114 160	Provisional filing fee	<input type="checkbox"/>

SUBTOTAL (1) (\$) [0]**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE – Large Entity**

Total Claims	Extra Claims	Fee from Below	Fee Paid
	[] - 20** =	[] x	[] = []

Independent Claims [] - 3** = [] x [] = []
 Multiple Dependent [] = []

** or number previously paid, if greater; For Reissues, see below

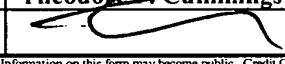
Code (\$)	Fee Description
103 18	Claims in excess of 20
102 84	Independent claims in excess of 3
104 280	Multiple dependent claim, if not paid
109 84	**Reissue independent claims over original patent
110 18	**Reissue claims in excess of 20 & over original patent

SUBTOTAL (2) (\$) [0]**3. ADDITIONAL FEES**

Code (\$)	Fee Description	Fee Paid
105 130	Surcharge-late filing fee or oath	<input type="checkbox"/>
127 50	Surcharge-late provisional filing fee or cover sheet	<input type="checkbox"/>
139 130	Non-English specification	<input type="checkbox"/>
147 2,520	For filing a request for <i>ex parte</i> reexamination	<input type="checkbox"/>
112 920*	Requesting publication of SIR prior to Examiner's action	<input type="checkbox"/>
113 1,840*	Requesting publication of SIR after Examiner's action	<input type="checkbox"/>
115 110	Extension for reply within 1 st month	<input type="checkbox"/>
116 400	Extension for reply within 2 nd month	<input type="checkbox"/>
117 920	Extension for reply within 3 rd month	<input type="checkbox"/>
118 1,440	Extension for reply within 4 th month	<input type="checkbox"/>
128 1,960	Extension for reply within 5 th month	<input type="checkbox"/>
119 330	Notice of Appeal	<input checked="" type="checkbox"/>
120 330	Filing a brief in support of an appeal	<input type="checkbox"/>
121 280	Request for oral hearing	<input type="checkbox"/>
138 1,510	Petition to institute a public use proceeding	<input type="checkbox"/>
140 110	Petition to revive - unavoidable	<input type="checkbox"/>
141 1,280	Petition to revive - unintentional	<input type="checkbox"/>
142 1,280	Utility issue fee (or reissue)	<input type="checkbox"/>
143 460	Design issue fee	<input type="checkbox"/>
122 130	Petitions to the Commissioner	<input type="checkbox"/>
123 50	Petitions related to provisional applications (37 C.F.R. 1.17(q))	<input type="checkbox"/>
126 180	Submission of Information Disclosure Statement	<input type="checkbox"/>
146 740	Filing a submission after final rejection (37 CFR § 1.129(a))	<input type="checkbox"/>
149 740	For each additional invention to be examined (37 CFR § 1.129(b))	<input type="checkbox"/>
179 740	Request for Continued Examination (RCE)	<input type="checkbox"/>
169 900	Request for expedited examination of a design application	<input type="checkbox"/>
091 1280	Acceptance of unintentionally delayed claim for priority under 35 U.S.C. 119, 120, 121, or 365 (a) or (c)	<input type="checkbox"/>
Other fee (specify) _____		<input type="checkbox"/>
Other fee (specify) _____		<input type="checkbox"/>

* Reduced by Basic Filing Fee Paid

SUBTOTAL(3) (\$) [330]**SUBMITTED BY**

Name (Print/Type)	Theodore E. Cummings	Registration No.	40,973	Complete (if applicable)
Signature				Telephone (513) 634-1906

Date July 8, 2004

WARNING: Information on this form may become public. Credit Card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, D.C. 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, D.C. 20231.

(Revised for P&G use 5/21/2002)